

REMARKS**A. Response to Election/Restriction Requirement**

The Office Action issued on December 6, 2005 has set forth an election/restriction requirement directed to the following seven groups:

Group 1: Claims 2-12, drawn to a method for increasing fatty tissue comprising administering to a subject a composition of zinc-containing components, classified in class 424, subclasses 401 and 642, for example.

Group 2: Claims 13-23, drawn to a method for decreasing fatty tissue comprising administering to a subject a composition of zinc-containing components, classified in class 424, subclasses 401 and 642, for example.

Group 3: Claims 24-35 and 68-75, drawn to a method for increasing elastin content in a tissue or in the eye, comprising application of a composition of zinc-containing components topically or via placement of a contact lens in the eye, classified in class 424, subclasses 401 and 642, for example.

Group 4: claims 36-46, drawn to a method of increasing epidermal thickness comprising the administration of a composition of zinc-containing components, classified in class 424, subclasses 401 and 642, for example.

Group 5: claims 47-57, drawn to a method for decreasing epidermal thickness comprising the administration of a composition of zinc-containing components, classified in class 424, subclasses 401 and 642, for example.

Group 6: claims 58-67, drawn to a method for treating gums comprising the topical application of a composition of zinc-containing components, classified in class 424, subclasses 401 and 642, for example.

Group 7: claims 76-98, drawn to a composition of zinc-containing components and a contact lens formulation thereof, classified in class 424, subclasses 401 and 642, for example.

Applicants provisionally elect Group 3, which is readable on claims 1, 24-35, and 68-75. Furthermore, Applicants provisionally make the following species elections with respect to claim 29 and 72: zinc citrate.

These provisional group and species elections by Applicants are made with traverse. The traversal is on the grounds that the search and examination of the entire application can be made without serious burden to the examiner. The MPEP states “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” *See* MPEP §803 (emphasis added). Here, Applicant respectfully notes that each claim has been classified as belonging to class 424, subclasses 401 or 642, regardless of the group to which the claim belongs. Accordingly, since class 424 and subclasses 401 and 642 must be searched anyway, Applicants respectfully submit that is no undue burden on the Examiner to search all of the groups.

B. Explanation of Amendments and Newly Added Claims

In this paper, Applicants have amended claims 1 and 88 to remove minor typographical and grammatical errors. Additionally, Applicant have added new claims 99-104. Support for these new claims is found in original claims 24-35 and 68-75, as well as in paragraph [36] of the specification. Applicants respectfully submit that no new matter has been added.

AUTHORIZATION

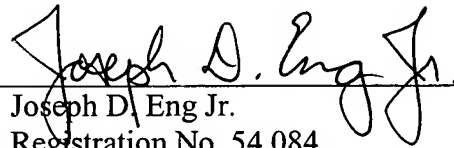
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this paper to Deposit Account No. **13-4500**, Order No. 4649-4014US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4649-4014US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 6, 2006

By: _____


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